

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

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S.D. OF GA.

UNITED STATES OF AMERICA,)	
)	
v.)	Case No. CR407-042
)	
KEVIN LEROI GREEN,)	
)	
Defendant.)	

ORDER

Before the Court is the Emergency Motion to Withdraw as Counsel for Defendant, which defense counsel filed at the urging of his client in this criminal case. Doc. 32. The Court then scheduled this matter for a hearing to inquire into the reasons for defendant's dissatisfaction with his court-appointed attorney. At that hearing defendant indicated that he was displeased with his counsel's advice that he accept the government's plea offer and enter a guilty plea in this case. He protested his innocence of the charges and expressed his view that the government's evidence is weak and inadequate to establish his guilt. The Court explained to defendant that his attorney did not need to believe in his innocence or share his assessment of the evidence in order to mount a

vigorous defense or serve as an effective advocate for his client. The Court further informed defendant that while an attorney has a duty to advise his client as to the best course of action based upon the attorney's assessment of the strength of the government's case and the applicable law, a defendant is free to ignore that advice, reject any government plea offer, and insist upon a trial. The Court further established that defendant's counsel, Mr. Pool, is an experienced litigator who is able and willing to represent defendant at any criminal trial in this case.

The defendant has failed to show good cause for excusing Mr. Pool, who has filed appropriate motions, met with his client on numerous occasions, and is prepared to defend the case at trial if that is the course defendant elects. See Thomas v. Wainwright, 767 F.2d 738, 742 (11th Cir. 1985) (an indigent criminal defendant has no right to demand a different appointed lawyer except upon a showing of good cause). Accordingly, the Court will not excuse Mr. Pool or appoint defendant a new lawyer. The motion is DENIED.

SO ORDERED this 31st day of May, 2007.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA